



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Naranja Lakes Community Redevelopment Agency (CRA)

Board of County Commissioners

South Dade Government Center

Room 203

10710 S.W. 211 Street

Miami, Florida

Meeting Date:

January 24, 2005

7:00 p.m.

Prepared by:

Harvey Ruvin, Clerk

Board of County Commissioners

Kay Madry Sullivan, Director

Clerk of the Board Division

Reporter:

Jill Thornton, Commission Reporter

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**CLERK'S SUMMARY AND OFFICIAL MINUTES
NARANJA LAKES
COMMUNITY REDEVELOPMENT AGENCY (CRA)
JANUARY 24, 2005**

The Naranja Lakes Community Redevelopment Agency (CRA) Board met in the South Dade Government Center, Room 203, 10710 S.W. 211 Street, Miami, Florida at 7:37 p.m., January 24, 2005, there being present upon roll call Mr. Stuart Archer, Mr. Mario Espineira, Mr. Kenneth Forbes, Mr. Parsuram Ramkissoon, and Chairperson Nina Betancourt, (Ms. Joan Carter, Mr. Rene Infante, Mr. Daniel Lipe and Mr. Norm Kramer were absent); Assistant County Manager Tony Crapp; Assistant County Attorney Glenn Saks; Mr. Jurgen Teintze, Tax Increment Financing (TIF) Coordinator, Office of Strategic Business Management; Mr. Hendrik Van Leesten, Budget Analyst, Office of Strategic Business Management; and Deputy Clerk Jill Thornton.

I. Call to Order

Chairperson Betancourt called the CRA Board meeting to order at 7:37 p.m.

II. Roll Call

Upon roll call, and a quorum being present, the Board proceeded to consider tonight's agenda.

III. Approval of the Minutes

It was moved by Mr. Forbes that the minutes of the December 13, 2004 meeting be approved. This motion was seconded by Mr. Espineira, Jr., and upon being put to a vote, passed unanimously by those members present.

IV. Approval of Agenda

It was moved by Mr. Forbes that tonight's agenda be approved. This motion was seconded by Mr. Espineira, Jr., and upon being put to a vote, passed unanimously by those members present.

**V. Update
Financial Report/Progress Report**

Financial Report

Mr. Jurgen Teintze, Budget Analyst, Office of Strategic Business Management, reviewed with the Board members, the Naranja Lakes CRA Financial Statement for the first quarter of FY04-05, noting the annual budget was divided into two sections, TIF Revenues/Expenditures and Capital Project Bond Revenues/Expenditures (Loan proceeds expenditures).

Under TIF Revenue/Expenditures, Mr. Teintze compared actual line items with budgeted line items, stating there had been very little expended for operations and administration in the first quarter but the CRA had received its annual TIF payment (revenues) of \$455,703 before December 31, 2004. He noted there remained a \$561,201 Cash balance after adding the annual TIF revenue with the previous \$109,000 Cash balance and deducting the minimal expenditures for marketing, meeting rooms, security and attorney's fees. Mr. Teintze pointed out the parenthetical note that stated the Cash balance could possibly be reserved for debt coverage or new redevelopment grants, if approved.

Under Capital Project Bond Revenue/Expenditures, Mr. Teintze stated the fiscal year started with a balance of nearly \$3.7 million dollars and ended with a balance of approximately \$2.7 million dollars at the end of the first quarter, noting some revenues received for interest earned on County-held proceeds and some disbursements made for interest charged by the County on the State Sunshine loan. While discussing the revenues and expenditures, Mr. Teintze noted the focus was on the expenditures of last year's bond proceeds and on the primary project.

Mr. Teintze noted that in the FY04-05 budget, the Board had anticipated a possible need to draw down another \$5 million proceeds for capital projects, but, as of yet, had not needed to do so. He noted that staff was observing when the CRA might need to do so based on their monthly draw downs. Mr. Teintze further noted there was a lot of staff effort going into the private project, including himself, Assistant County Attorney Glenn Saks and now, an additional member, Mr. Hendrik Van Leesten.

Mr. Teintze introduced to the Board the new staff member, Mr. Hendrik Van Leesten as an Urban Planner and asked him to briefly explain to the members of the Board his background with Community Redevelopment Area's (CRA's).

Mr. Hendrik Van Leesten greeted the Board and described his working background in economic redevelopment and in real estate.

Mr. Teintze noted that Mr. Van Leesten had worked with the Ft. Lauderdale CRA and with a CRA in Rhode Island and had been recruited by the Office of Business Strategic Management out of the Real Estate Development Division of General Services Administration (GSA).

Following the introduction, Mr. Jurgen concluded the review of the financial report, noting there had been no charge, to date, for county administrative support, but the amount would be the budgeted amount that was agreed to and would be paid annually as stated in the interlocal agreement with Miami-Dade County.

Progress Report

Mr. Teintze stated his intentions were to keep the Board abreast of total expenditures to date in order to measure the progress of the development before needing to borrow more money. He noted that of the \$5 million dollars available in funds, \$2.2 million had been drawn down for infrastructure development and another \$580,000 would be needed for the month of January.

Mr. Teintze stated it appeared that the CRA was drawing down about a half million dollars a month.

Mr. Teintze reported on the benchmarks per development agreement. He noted that this report would be issued monthly to assist the Board with the progress of the project's activities before the next \$5 million dollars could be issued.

Chairperson Betancourt asked for clarification on the current month's expenditures listed in the report compared to the amounts listed in the Financial Statement FY04-05 (1st quarter).

Mr. Teintze noted the December payment was for work performed in November and the January payment was for work performed in December. He further noted there was a typographical error in the financial statement that should be corrected to read November payment req. #5 and December payment req. #6.

Following Mr. Teintze's presentation, Chairperson Betancourt invited the Board members to ask questions regarding the progress report.

In response to Mr. Archer's inquiry of when the models would be completed, Mr. Matthew Ford, D.R.Horton Builders, stated he hoped the permits would be pulled within the next two weeks and construction of the models would be completed within 4 months once the permits were issued.

In response to Chairperson Betancourt's question, Mr. Ford advised that the permit had not been issued yet for the on-site sales trailer (applied for in November) and it could take up to three months to process. He stated that most likely, they would proceed with the on-site sales trailer and move into the models when they were finished.

Mr. George DeGuardiola, developer, stated he and D.R Horton Builders were anxious to develop the housing portion of the Mandarin Lakes project but pulling the building permits had been a cumbersome process. He welcomed any assistance from the CRA and County Staff for procuring those permits.

In response to Chairperson Betancourt's question, Mr. DeGuardiola noted there had been delays at every department level but reminded the Board that this was a public and private sector project and much of the problems concerning permits could have been eradicated if there had been reasonable cooperation from Miami-Dade County for issuing permits.

Assistant County Manager Tony Crapp suggested establishing a formal, proactive system for monitoring the progress of milestones and benchmarks.

In response to Mr. Espiniera's question about cookie cutter permitting, Mr. Ford stated that Master Model Pooled Permitting may not be possible because of the several different elevations required by Zoning for the Traditional Neighborhood Development (TND). He further noted that the review process for the elevations were so extensive and arduous that it took five months just to receive zoning approval.

Mr. DeGuardiola noted that the CRA development was at a disadvantage because of the implementation of TND and other architectural requirements.

Chairperson Betancourt pointed out that this was the first time this type of zoning had been implemented in Miami-Dade County and there had been previous discussions among the Board members regarding the lack of understanding by individuals first reviewing the zoning applications.

Discussions ensued among the Board members and staff of the need for more proactive measures and other ways to streamline the zoning process.

John Ritsema, Project Coordinator, noted the County system was very complex and sometimes county rules conflicted with unique projects. He noted that Gregg Mendez, project manager, was his contact person for sharing information when he encountered problems.

Mr. Forbes suggested proposing a resolution to create a coordinating team that would assist in addressing problems and issue status reports within reasonable time frames.

Mr. Teintze suggested the Board issue a directive to County Staff to follow up with the infrastructure development and with the builder to ensure there was sufficient effort put forth to resolve matters and to give joint update reports on these issues every month.

Mr. Espineira stated that plans could be expedited. He expressed there should be a process for submitting reports of pending problems to the Department of Building and Zoning and having them responded to within 30 to 45 days.

Mr. Teintze stated he could not promise that the building department would issue a particular report on pending applications but he could promise that he would provide a report on any communications from the developer and builders and how staff responded to them.

Mr. Archer stated he felt that the CRA did not need to give any more direction as Jurgen Teintze was the Board's appointed contact person. He suggested that Mr. DeGuardiola and representatives of D.R. Horton Builders discuss any potential problems with Mr. Teintze.

Chairperson Betancourt asked that Mr. Teintze provide a status report at the next NLCRA meeting regarding any potential problems, or a resolution would be proposed.

Infrastructure Scope for Projects

Mr. Teintze gave an overview of discussions and actions taken at the November and December CRA Board meetings regarding the scope of work, and referenced an e-mail he had sent to each Board member of the County Staff's proposals for NLCRA infrastructure allocations.

Mr. Forbes asked Mr. Teintze to explain what was meant by the phrasing "Invalidate the tax-exempt State Sunshine Commission Loan used for construction" noted in the e-mail under Section B: Risk of Perception....

In response to Mr. Forbes question, Mr. Teintze explained that it was important for the CRA to have the correct intent when applying for a tax-exempt loan and that an asset purchased with the intent for public-use could not be purchased with public funds and then flipped as an amenity for private-use. He noted there was a perception issue concerning the pools and the Board needed to determine their intentions for the use of the pools.

Mr. Archer spoke in opposition to the CRA being responsible for the construction of the pools as the pools would be used privately in Mandarin Lakes. He stated it was not in the spirit of the law to do so.

Following discussions among Board members and Staff regarding the need for the pools and other options, Chairperson Betancourt noted her concern for removing the plazas was that the CRA was promoting development for public purpose and funding infrastructure improvements to support civic areas.

It was moved by Mr. Forbes to adopt option B(2) in Mr. Teintze's e-mail that states "Let DR Horton keep 2 entire plazas and develop as common area with pools with substitution of the 2 plaza's funds for street lights, or other items". This motion was seconded by Mr. Archer.

Discussions ensued regarding the motion before the Board.

Chairperson Betancourt responded to Mr. Guardiola's comments by reminding everyone that the County was also a partner in the agreement and the partnership was a triumvirate that required input from the Board, the developer and the County Staff.

Assistant County Manager Tony Crapp stated he understood the motion before the Board was that the plazas would still be part of the project but not paid for as part of the plan of public improvements.

Mr. DeGuardiola noted there was no obligation on the part of D.R.Horton to build out the plazas and that they had relied on the plazas being built by the CRA.

Mr. Steven Zelkowitz, legal counsel for the CRA, clarified that the motion stated that the developer would own the plazas and develop them as common areas as they wished without the use of public funds in return for the funds to be used for other public improvements in the development. He noted there were no pools in the original plan of improvements but pools were proposed by the developer in a modification to the plan of improvements.

In response to Chairperson Betancourt's inquiry regarding an amendment to the motion, Mr. Forbes stated he did not think an amendment was necessary. He noted inclusion of the pools was proposed to the Board by the developer as a marketing necessity and the Board only entertained this proposal for the success of the project.

Mr. Teintze noted that the County was not recommending total exclusion of the plazas.

Chairperson Betancourt noted that the Board had not yet approved the amendment of the original plan of improvements and currently, there were no pools.

Mr. DeGuardiola stated he could build the plazas without the pools and the plan would remain as is without modification to the plazas; however the modified plan of improvements still needed to be approved to accept all other changes and exhibits previously presented to the Board.

Discussions ensued concerning a compromise for the pools.

Mr. Espinera read into the record an excerpt of the minutes from last month's workshop meeting and asked if a compromise could be reached since it was obvious the pools were needed. He asked whether all public dollars had to be designated for public use only.

Chairperson Betancourt noted that the main issue was how the pools would be used. She stated it was illegal for the CRA to use public funds to build pools if they were to be used privately.

Mr. Zelkowitz advised that the law required public dollars be spent for public improvements and be used for the benefit of the public. He noted violation of this law could be catastrophic to the project if the tax-exempt loan became taxable.

Assistant County Attorney Glenn Saks noted that for the developer to step in and finance the work himself, it had to be the exact same scope of work. He reminded the Board that there was a pending motion on the floor, and they had heard from both the county staff and the developer.

Mr. Forbes withdrew his motion.

Chairperson Betancourt stated the alternatives now would be for the Board to could consider the other proposed options or consider the original master plan of improvements which had no pools.

Mr. Teintze stated he did not see how this would alleviate the problem of not re-bidding.

Mr. Zelkowitz stated that re-bidding issues could be worked out between staff and the developer but the issue before the Board was that the amended master plan of improvements, except for the pools, needed to be finalized so that Mr. DeGuardiola could move forward.

In response to Mr. Zelkowitz's question concerning two phases in the original plan of improvements and only one in the amended version, Mr. DeGuardiola stated the amended plan of improvements could be changed to mirror the original.

Mr. Zelkowitz suggested that he meet with Mr. DeGuardiola, staff, and a Board member to negotiate the drafting of an agreement to retain the amended plan of improvements, except to delete the pools from the plazas, and bring it back to the Board for approval.

It was moved by Mr. Archer that Mr. Zelkowitz, Mr. DeGuardiola, County Staff and a member of the Board meet for the purposes of negotiating an agreed written amendment with a

recommendation and bring it back to the Board for approval. This motion was seconded by Mr. Ramkissoon, and upon being put to a vote passed unanimously by those members present.

Security Issue Discussions

Mr. Teintze gave an update on security issues, noting he was not prepared to discuss specific proposals or the consultant study prepared by Rose Coleman, but Captain Scott Andrus and Lieutenant Edward Howett of Miami-Dade County Police Department were present to hear the Board's concerns and answer any questions.

Captain Andrus, South Dade Neighborhood Police Unit, appeared before the Board and gave an overview of the continual services provided by the South Dade Policing Unit within the NLCRA area and the Cutler Ridge district.

Captain Andrus noted that even without a formal crime watch program, his staff was willing to work with the area's homeowners associations and community meetings to address security. He noted an ongoing aggressive program used by his department to curtail theft but construction theft was a problem county-wide. He stated that his staff had attempted to contact contractors of 42 new constructions sites within the Cutler Ridge District and have them notify the Investigations Unit at Station #4 in advance of materials being delivered so officers could be assigned to the site until materials were secured.

Mr. Ramkissoon complained of prostitution activity and no police presence at the site of 145th Avenue. Captain Andrus stated he would have his office look into the matter.

Mr. Espinera suggested a list be compiled by Miami-Dade County Police Department of all hired sub-contractors working within the Cutler Ridge District to possibly link reported thefts to sub-contractors/workers in the local construction areas. He further suggested placing GPS tracking devices in delivered appliance units and changing county policy to waive garbage fees to allow for free dumping.

Captain Andrus noted that Miami-Dade County Police Department worked closely with Team Metro to resolve illegal dumping but the Cutler Ridge District was a comparatively large district and calls needed to be prioritized by need.

Noting a big demand for heavy equipment in Latin American countries and Southeast Florida, Captain Andrus stated it would be advisable for contractors to make some effort independently of the Miami-Dade County Police Department to secure equipment through fencing, lighting, security guards or other means. He noted the Department received weekly statistical reports of criminal activity and trends in order to manage and deploy resources to needed areas, however, a lot of thefts were not reported and were not reflected in the statistics.

Chairperson Betancourt noted this was a difficult site to secure because of the 200 acres of vacant land in the middle of the district.

Mr. Espinera referred to a business in Homestead that manufactured a security system using solar towers and beams to create invisible security fences, and suggested the contractor consider this type of security system.

In response to Mr. Forbes' question, Mr. DeGuardiola stated he had not yet spoken with Mr. Daniel Lipe in regards to Rose Coleman's proposal but needed to share the information with him. He noted that he had given Jurgen Teintze a copy of Rose Coleman's proposal to distribute to the Board members.

VI. Setting of Next Meeting Date

Mr. Teintze proposed February 21, 2004 for the next NLCRA meeting; however, he was advised that this day was President's Day.

Chairperson Betancourt asked Mr. Teintze to e-mail every one of other proposed dates after checking availability. She stated the date should be set in accordance with the approved meeting set between Mr. Zelkowitz, County Staff, Mr. DeGuardiola and a member of the Board.

On behalf of the CRA Board members, Mr. Archer thanked Assistant County Manager Tony Crapp for his presence and participation at the NLCRA meetings and for his efforts to resolve hindering matters and move the process forward.

VII. Adjournment

There being no further business to come before Board, by motion duly made, seconded and carried, the Naranja Lakes Community Redevelopment Agency meeting was adjourned at 9:55 p.m.

Nina Betancourt, Chairperson
Naranja Lakes Community Redevelopment Agency